

The Law Office of Joseph Mauro, LLC  
306 McCall Ave.  
West Islip, NY 11795

(631) 669-0921  
(631) 669-5071 fax

June 25, 2012

**Hon. E. Thomas Boyle**  
**Alphonse M. D'Amato Federal Courthouse**  
**100 Federal Plaza**  
**Central Islip, NY 11722**

**RE: LEVY v. Receivables Performance Management, LLC.**  
**CV -11 - 3155**

Honorable Judge Boyle,

I represent the Plaintiff in the above matter. Please accept this letter as a motion to compel the Defendant to provide the Plaintiff with cellular phone records that Defendant received pursuant to a subpoena.

In March 2012, counsel for the parties agreed that the Plaintiff would provide the Defendant with authorizations for the defense counsel to subpoena the cell phone records of the Plaintiff from a company called T-Mobile. Counsel agreed that after the documents had been obtained, each counsel would assess whether a deposition of the cell phone T-Mobile would be required.<sup>1</sup>

Plaintiff provided the authorizations to defense counsel on March 13, 2012. **(See Exhibit A)** At the conference held with the Court on June 13, 2012, defense counsel informed the Court that he still had not received the documents from T-Mobile, but that he anticipated that he would be in possession of the documents by June 20, 2012. Defense counsel agreed to provide the Plaintiff with said records immediately upon receipt. On June 19, 2012, I was informed by Defense counsel Peter Cipparulo that he had in fact obtained the T-Mobile documents, and that he would be immediately forwarding such to my office. (I suggested that the documents be emailed so as to expedite the disclosure). Unfortunately, I have not received the documents. As I indicated previously, and reiterated on the records on June 13, 2012, the Plaintiff anticipates perhaps taking the deposition of T-Mobile depending on the contents of the documents.

Plaintiff respectfully requests that Court direct the immediate disclosure of the documents received from T-Mobile.

Additionally, the Plaintiff requests that the Court extend the discovery deadline to allow the Plaintiff time to obtain the records, and depose T-Mobile. The current discovery deadline is July 1, 2012. Plaintiff respectfully requests that the Court extend the discovery deadline until 21 days after the Defendant produces the cell phone records.

Sincerely,

Joseph Mauro

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<sup>1</sup> Plaintiff also provided the Defendant with authorization for the Defendant to subpoena Plaintiff's cell phone records from a company called *Metro-PCS*. Defendant subpoenaed the records from Metro-PCS and has already provided Plaintiff with the response from that subpoena.